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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

FILED
ASHEVILLE, N. C.

AUG - 2 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 2:05cv203

AN EASEMENT AND RIGHT-OF-WAY
OVER 4.12 ACRES OF LAND, MORE
OR LESS, IN CHEROKEE COUNTY,
NORTH CAROLINA

EDGAR C. HARTNESS
JULIE L. HARTNESS, his wife
Defendants

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to settle this action based the statements in letters dated May 4, 2005, and May 16, 2005, from Daisy A. Snipes of the Tennessee Valley Authority (TVA) to the Defendants' son, Edward L. Hartness, regarding the easement rights herein condemned and the provisions stated below.

It is, therefore, Ordered and Adjudged that:


1. The Defendants shall recover of the Plaintiff \$47,700 as full compensation for the taking of the easement and right-of-way herein condemned.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on June 21, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (said easement and right-of-way being the same as in Exhibit A to the Declaration of Taking filed herein).

3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$47,700 payable to Edgar C. Hartness and Julie L. Hartness, and to mail said check to them at 3181 Kirkwood Drive, Kennesaw, Georgia 30144.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

This 2nd day of August, 2005.


Lacy Thornburg
United States District Judge

We hereby approve and consent
to the entry of this document:

Edwin W. Small

Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-3021
Facsimile 865-632-6718

Attorney for Plaintiff

Edgar C. Hartness

Edgar C. Hartness

Julie L. Hartness

Julie L. Hartness
Defendants

003739223

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MURBTR-16

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, as shown on a map entitled "Murphy-Blairsville Transmission Line Tap to Ranger Transmission Line," drawing LW-7869, sheet P3A, R.2, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point, the said point being an aluminum monument which is a common corner in the lands of Edgar C. Hartness, et ux., State of North Carolina (NCSR #1580/Hedden Road), and Archie J. Hedden, the said point being on the north right-of-way line of the said road and being on a fence line, the said point also being 66.34 feet left of the centerline of the transmission line location at survey station 64+75.65; thence leaving the said common corner and the said road right-of-way line and with the said fence line and the property line between Edgar C. Hartness, et ux., and Archie J. Hedden, N. 06° 55' 12" E., 16.85 feet to a point on the south right-of-way line of the location, the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and the said south right-of-way line of the location and continuing with the said fence line and the said property line N. 06° 55' 12" E., 102.30 feet, crossing the centerline of the location at survey station

64+61.3 (51.15 feet), to a point on the north right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 64+50.56; thence leaving the said fence line and the said property line and with the said north right-of-way line of the location N. 84° 45' 00" E., 646.29 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 58+05.32; thence continuing with the said north right-of-way line of the location N. 87° 09' 52" E., 1,498.15 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 43+09.59; thence continuing with the said north right-of-way line of the location S. 89° 42' 30" E., 37.31 to a point on the property line between Edgar C. Hartness, et ux., and Paul Ferdenzi, et ux., the said point being 50 feet right of the centerline of the location at survey station 42+73.65; thence leaving the said north right-of-way line of the location and with the said property line S. 16° 57' 48" E., 57.30 feet, crossing the centerline of the location at survey station 42+58.1 (52.35 feet), to a point which is a common corner in the lands of Edgar C. Hartness, et ux., Paul Ferdenzi, et ux., and State of North Carolina (NCSR #1580/Hedden Road), the said point being on the north right-of-way line of the said road and being 4.72 feet left of the centerline of the location at survey station 42+56.65; thence leaving the said common corner and the said property line and with the meanders of the said road right-of-way line and the south property line of Edgar C. Hartness, et ux., in a westerly direction 788.24 feet to a point on the south right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 50+42.87; thence leaving the said road right-of-way line and the said property line and with the said south right-of-way line of the location S. 87° 09' 52" W., 526.07 feet to a point on the aforementioned north right-of-way line of State of North Carolina (NCSR #1580/Hedden Road) and the south property line of Edgar C. Hartness, et ux., the said point being 50 feet left of the centerline of the location at survey station 55+68.94; thence leaving the said south right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a westerly direction 764.75 feet to a point on the aforementioned south right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 63+28.51; thence leaving the said road right-of-way line and the said property line and with the said south right-of-way line of the location S. 84° 45' 00" W., 143.61 feet to the point of beginning and containing 4.12 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the

right-of-way for the transmission line structures located at survey stations 43+09.59 and 58+05.32.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — Edgar C. Hartness and Julie L. Hartness, his wife (Books 500 and 614, pages 54 and 26, respectively).

Parcel identification number: 4580 03 33 0539 000